

UNITED STATES DISTRICT COURT

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

CIVIL NO.

vs.

JOHN CHRISTOPHER

Defendants

16 5318

COMPLAINT

The United States of America, on behalf of its Agency, U.S. Department of Education, by its specially appointed counsel, Rebecca A. Solarz of KML LAW GROUP, P.C., represents as follows:

- 1. This Court has jurisdiction pursuant to 28 U.S.C. 1345.
- The last-known address of the Defendants, JOHN CHRISTOPHER
 ("Defendant") is 31 Holland Avenue, Ardmore, PA 19003.
- 3. That the defendant is indebted to the plaintiff in principal amount of \$4,337.63, plus interest of \$1,891.42, for a total of \$6,229.05. A true and correct copy of the Certificate of Indebtedness is attached as Exhibit "A" ("Certificate of Indebtedness").
- 4. Demand has been made upon Defendant by Plaintiff for the sum due but the amount due remains unpaid.

WHEREFORE, the plaintiff demands judgment against Defendant as follows;

(A) In the amount \$6,229.05.

- (B) Plus filing fee allowed pursuant to 28 U.S.C., Section 1914 in the sum of \$150.00.
- (C) Interest from the date of judgment at the legal rate of interest in effect on the date of judgment until paid in full.
- (D) Costs of suit.

Notice is hereby given to Defendant that Plaintiff intends to seek satisfaction of any judgment rendered in it favor in this action from any debt accruing.

United States of America by and through its specially appointed counsel KML Law Group, P.C.

BNY Independence Center

701 Market Street

Suite 5000

Philadelphia, PA 19106-1532

(215)825-6327

rsolarz@kmllawgroup.com

UNITED STATES DISTRICT COURT

FOR THE

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UNITED STATES OF AMERICA

Plaintiff

CIVIL NO.

VS.

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Defendant

EXHIBITS

"A" CERTIFICATE OF INDEBTEDNESS

U. S. DEPARTMENT OF EDUCATION SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #1 OF 1

John Christopher 31 Holland Ave Ardmore, PA 19003-1209 Account No. xxx-xx-1993

I certify that U. S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 10/27/16.

On or about 12/02/99 the borrower executed promissory note(s) to secure loan(s) of \$4,000.00 from Crestar Bank (Harrisburg, PA). This loan was disbursed for \$1,750.00 & \$2,500.00 on 12/10/99 through 10/19/00 at a variable rate of interest to be established annually by the Department of Education. The loan obligation was guaranteed by Philadelphia Higher Education Assistance Agency, and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1071 et seq. (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$523.35 to the outstanding principal owed on the loan. The borrower defaulted on the obligation on 08/24/01, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$4,717.30 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. § 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the borrower. The guarantor was unable to collect the full amount due, and on 09/23/05, assigned its right and title to the loan to the Department.

Since the assignment of the loan, the Department has credited a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal: \$4,337.63 Interest: \$1,891.42

Total debt as of 10/27/16: \$ 6,229.05

Interest accrues on the principal shown here at the current rate of 2.65% and a daily rate of \$0.32 through June 30, 2017, and thereafter at such rate as the Department establishes pursuant to section 427A of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1077a.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 10/27/16

Christopher Bolander

Loan Analyst/Litigation Support

Cas SS 4 (Rev. 12/12) Thus 44 civil cover sheet and provided by local rules of court purpose of initiating the civil decivity.	the information contained This form, approved by tooket sheet. (SEE INSTRUC	CIVIL (herein neither replace he Judicial Conferen	COVE	R SHEET ment the filing and service ited States in September	1(0-R-5	
I. (a) PLAINTIFFS The United States of America				DEFENDANTS JOHN CHRISTOPHE 31 Holland Avenue Ardmore, PA 19003	a an	5318
. , .	of First Listed Plaintiff CCEPT IN U.S. PLAINTIFF CA	ISES)		County of Residence	of First Listed Defendant (IN U.S. PLAINTIFF CASHS O IN LAND CONDEMNATION C THE TRACT OF LAND IN VOL	ONLY) ASSES, USE THE LOCATION OF
701 Market Stre	Address, and Telephone Numbe p, P.C. – Rebecca A et, Ste. 5000, Phila. solarz@kmllawgrou	. Solarz, Esqui , PA 19106	ire	Attomeys (If Known)		
U.S. Government 3 Federal Question Plaintiff (U.S. Government Not a Party)			Citize	(For Diversity Cases Only)	TF DEF 1 Incorporated or Pri of Business in T 2 Incorporated and P	and One Box for Defendant PTF DEF incipal Place 4 4 his State
U.S. Government Defendant	(Indicate Citizenship o	, ,	Citize	en or Subject of a reign Country	of Business In A 3 3 Foreign Nation	
IV. NATURE OF SUIT	(Place an "X" in One Box O			PREETURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act X 152 Recovery of Defaulted Student Loans (Excludes Veterans) 53 Recovery of Overpayment of Veteran's Benefits 60 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities Employment 446 Amer. w/Disabilities Other 448 Education	PERSONAL INJI 365 Personal Injury Product Liabil 367 Health Care/ Pharmaceutica Personal Injury Product Liabili 368 Asbestos Perso Injury Product Liability PERSONAL PROP 370 Other Fraud 371 Truth in Lendi 380 Other Personal Property Dama 385 Property Dama 385 Property Dama Product Liability PRISONER PETITI Habeas Corpus: 463 Alien Detainee 510 Motions to Vac Sentence 530 General 535 Death Penalty Other: 540 Mandamus & C 550 Civil Rights 555 Prison Conditions of Confinement	y - lity 69 Il y ity onal t PERTY 71: PERTY 75: PERTY 79: CONS 79 Conter 46:	5 Drug Related Seizure of Property 21 USC 881 0 Other LABOR 0 Fair Labor Standards Act 0 Labor/Management Relations 0 Railway Labor Act 1 Family and Medical Leave Act 0 Other Labor Litigation 1 Employee Retirement Income Security Act IMMIGRATION 1 Naturalization Application 6 Other Immigration Actions	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SEITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609	375 False Claims Act 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
	oved from 3 Rem.	anded from ellate Court	4 Reins Reop		ferred from 6 Multidist ner District Litigation	

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): VI. CAUSE OF 28 U.S.C. 1345 **ACTION** Brief description of cause: **Enforced Collections** VII. REQUESTED IN CHECK YES only if demanded in complaint: CHECK IF THIS IS A CLASS ACTION **DEMAND \$ COMPLAINT:** UNDER RULE 23, F.R.Cv.P. JURY DEMAND: VIII. RELATED CASE(S) NOV $(See\ instructions):$ IF ANY JUDGE DOCKET NUMBER

DATE FOR OFFICE VSE ONLY SIGNATURE OF ATTORNEY OF RECORD



Securities Act(s) Cases

9.

UNITED STATES DISTRICT COURT

All other diversity Cases

FOR THE EASTERN DISTRICT OF PENNSYLVANIA - DESIGNATION FORM to be used by counsel to indicate the category of the case of the purpose of assignment to appropriate calendar. Address of Plaintiff: c/o Suite 5000 - BNY Independence Center, 701 Market Street, Philadelphia, PA 19106-1532 Address of Defendants: 31 Holland Avenue Ardmore, PA 19003 Place of Accident, Incident or Transaction: <u>ACTION OF ENFORCED COLLECTIONS</u> (Use Reverse Side For Additional Space) Does this case involve multi-district litigation possibilities? Yes □ RELATED CASE, IF ANY: Case Number: Judge: Date Terminated: Civil cass are deemed related when yes is answered to any of the following questions: Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in 2. Yes 🗀 No 💥 Does this case involve the validity or infringement of a patent already in suit or any earlier number case pending or within one year previously terminated action in this court? Yes 🗆 No 💥 CIVIL. (Place in ONE CATEGORY ONLY) Federal Question Cases В. Diversity Jurisdiction Cases: Indemnity Contract, Manne contract, and All Other Contracts Insurance contract and Other Contracts 2. FELA 2. Airplane Personal Injury Jones Act-Personal Injury 3. 3. Assault, Defamation 4. Antitrust 4. Marine Personal Injury 5. Patent 5. Motor Vehicle Personal Injury 6. Labor-Management Relations Other Personal Injury (Please specify) 6. 7. Civil rights 7. **Products Liability** 8. \Box Habeas Corpus 8 Products Liability - Asbestor

 10. ☐ Social Security Review Cases 11. ☐ All other Federal Question Cases 	(Please specify)	•
(Please specify) Foreclosure of proper		
federal mortgage.		
	ARBITRATION CERTIFICATION (Check appropriate Category)	
, Rebecca A. Solarz, Esq. , counsel of r	record do here by certify:	
☐ Pursuant to Local civil Rule 52.2. Secti exceed the sum of \$!50,000.00 exclusion	ion 2©(2), that to the best of my knowledge and belief, the dan ive of interest and costs.	nages recoverable in this civil action case
☐ Relief other than monetary damages is	s sought.	
DATE: _10/31/16	(sig)	<u>315936</u>
	Attorney-at-Law	Attorney i.d.#
NOTE: A trial de novo will be a tr	rial by jury only if there has been compliance w	vith F.R.C.P. 39.
certify that, to my knowledge, the within case is not renoted above.	related to any case now pending or within one year previously t	terminated action in this court except as
DATE: 10/31/16	(sig)	<u>315936</u>
	Attorney-at-Law	Attorney i.d.#
CIV 609 (9/99)		NOV - 9 2016

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<u>UNITED STATES DISTRICT COURT</u> FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES	OF AME	RICA		
		Plaintiff	CIVIL ACTION N	О.
VS.			10	58
JOHN CHRISTOP	HER	Defendant		-
		Defendant		
shall complete a c complaint and serv form.) In the event defendants shall, w other parties, a cas believe the case sho	ase Managere a copy of that the devith their fine manager ould be ass	gement Track Designation in all defendants. (See § 1:0 efendants do not agree with rst appearance, submit to the nent track designation form igned.	Reduction Plan of this court, count Form in all civil cases at the tint of the plan set forth on the rever- the plaintiff regarding said design the clerk of court and serve on the plan specifying the track to which the	ne of filing the erse side of this nation, that the plaintiff and all
SELECT ONE OF	F THE FO	LLOWING CASE MANA	AGEMENT TRACKS:	
	(a)	Habeas Corpus Cases §2241 through §2255.	brought under 28 U.S.C.	()
	(b)	Social Security Cases decision of the Secretary Services denying plainting	_	()
	(c)	Arbitration Cases requarbitration under Local C	aired to be designated for Civil Rule 53.2.	()
	(d)	Asbestos Cases involv or property damage from	ing claims for personal injury exposure to asbestos.	()
	(e)	(a) through (d) that are c and that need special or	Cases that do not fall into tracks ommonly referred to as complex intense management by the court. form for a detailed explanation of es.)	()
10/31/2016	(f)	Standard Management any one of the other track	Cases that do not fall into	(X)
10/31/2016 Date			A. Solarz, Esq. y for Plaintiff, United States of A	America

Pennsylvania Attorney I.D. No. 315936 Suite 5000 – BNY Independence Center 701 Market Street Philadelphia, PA 19106-1532 (215) 825-6327 (Direct) FAX (215) 825-6443 rsolarz@kmllawgroup.com

NOV - 9 2016